

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **May 21, 2002**

RE: **Analysis Report**

Balances As Of: 5/15/02 5/9/01

GSD 4% RESERVE FUND \$14,735,921 \$12,863,557

CONTINGENCY ACCOUNTS

GSD	\$35,000	\$50,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	\$63,997,550	\$46,859,389
USD	\$16,682,399	\$11,156,918

GENERAL PURPOSE

<u>SCHOOL FUND</u>	\$10,404,340	\$22,665,532
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SOLID WASTE
DISPOSAL FUND

Solid Waste Activities	\$2,293,382	\$865,517
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- BILL ON PUBLIC HEARING -

ORDINANCE NO. BL2002-1033 (WALLACE & TUCKER) - This ordinance approves Amendment No. 6 to the capitol mall redevelopment project plan. The capitol mall redevelopment plan basically governs the redevelopment of the downtown area. The last amendment to this plan allowed for construction for the new downtown library. This amendment makes several changes to the plan as indicated below:

1. Extends the boundary of the capitol mall redevelopment district to include all additional properties bordered by Church Street and Union Street between 1st Avenue North and 8th Avenue North. The extension also includes the courthouse property. There are several buildings included in this area to be expanded that are predominantly vacant. It is hoped that this extension will provide an incentive to developers to undertake renewal and building projects.
2. Amends the sign regulations to clarify that the use of billboards or general advertising signs is prohibited. Signs are limited to on-premises signs not exceeding 25 square feet in size.
3. Adds a process for appealing a denial of a permit for development or a notice of violation by creating an administrative appeals board. This board shall consist of three members of MDHA management appointed by the director of MDHA.
4. Extends the duration period of the plan from 2025 to December 31, 2030.
5. Increases the tax increment cap from \$80 million to \$95 million. Tax increment financing is used to provide an incentive to developers to undertake urban renewal, restoration and development projects. Developers are allowed to deduct the amount of taxes that would be paid due to the increased property value of the developed property and apply that amount to debt service on the project. For example, if the amount of property taxes were \$10,000 before development and then increased to \$100,000 after development, the developer would be able to apply the \$90,000 difference to service the debt on the project. It is estimated by MDHA that this \$15 million cap increase could bring nearly \$275 million in additional private investment. The property tax revenues to Metro, however, will have little or no increase during the life of the plan if tax increment financing is used.

The planning commission has approved this ordinance.

- RESOLUTIONS -

RESOLUTION NO. RS2002-1011 (SHULMAN) - This resolution approves a second amendment to a lease between the Metropolitan Government, W.S. Investment Holdings, L.P., and Square Investment Holdings, L.P. for lease of additional office space in the Washington Square building located at 222 Second Avenue North. Metro currently leases 34,141 square feet on the fourth and fifth floors of the Washington Square building for the district attorney's office. This amendment includes leasing an additional 4,508 square feet on the fourth floor for the mayor's office of economic and community development and the sports authority. The additional rent to be paid will be \$5,541.08 per month from the occupancy date through January 1, 2003, and \$5,635 per month from February 1, 2003 through

November 30, 2003. Pursuant to the basic lease agreement, Metro has the option to renew the lease for an additional five-year period after the expiration of the agreement in 2003.

This resolution has been referred to the planning commission.

RESOLUTION NO. RS2002-1034 (HAND) - This resolution approves property located on Centennial Boulevard to be used as a waste transfer station for the benefit of West Nashville County Properties. West Nashville County Properties has filed a request for a special exception with the Metro board of zoning appeals to use this property as a waste transfer station. The Metro code of laws requires that the Metro Council approve the location by adoption of a resolution before the board of zoning appeals can act on the request. If the council does not adopt or defeat this resolution within 60 days, it shall be deemed approved.

RESOLUTION NO. RS2002-1037 (WALLACE & SHULMAN) - This resolution sets a public hearing to be held on June 4, 2002 regarding the continuation of the central business improvement district (CBID). The Metro council created the CBID pursuant to Ordinance No. O98-1037 and included a sunset provision which set the dissolution of the CBID on January 1, 2003. The ordinance further provides that the district shall not be dissolved if a petition is filed that satisfies state law requirements and the Metro Council determines that the district should continue by adoption of an ordinance. The District Management Corporation has filed a petition requesting the continuation of the CBID in compliance with state law and Ordinance No. BL2002-1064, currently on first reading, would extend the sunset date five years. This resolution simply sets the public hearing date in compliance with state law.

There will be an amendment to this resolution that changes the public hearing date from June 4, 2002 to June 18, 2002. This is to fulfill the state law requirement that the ordinance pass on first and second reading before the public hearing is held.

RESOLUTION NO. RS2002-1038 (WALLACE & TUCKER) - This resolution sets a public hearing to be held on June 4, 2002 regarding a proposed amendment to the Arts Center Redevelopment Plan brought by MDHA. The Arts Center Redevelopment Plan, approved by Ordinance No. O98-1188 and amended by Ordinance No. O99-1761, includes the old Broadway post office (now the Frist Center for Visual Arts), the Union Station Hotel, and Cummins Station. State law requires that a public hearing be held prior to an amendment to a redevelopment plan. Ordinance No. BL2002-1063, which is on first reading, approves the amendment. An analysis of Ordinance No. BL2002-1063 will be provided when this ordinance is on second reading.

RESOLUTION NO. RS2002-1041 (WILLIAMS) - This resolution approves the charter for the Metropolitan Educational Access Corporation (MEAC) as a non-profit corporation. Ordinance No. BL2001-840, adopted on October 16, 2001, amended the Metropolitan Code of Laws to create the MEAC as a non-profit corporation with the responsibility of overseeing program production, management, and promotion of the educational access channels on all cable television systems operating within the area of the Metropolitan Government. The ordinance provided that the MEAC submit a proposed charter to the Metro council for its approval prior to its filing with the secretary of state as a non-profit corporation. The directors of the MEAC have been appointed by the mayor and approved

by the council, and a proposed charter in conformity with the Metropolitan Code of Laws has been submitted for council approval.

The special CATV committee must make a recommendation prior to the adoption of this resolution.

RESOLUTION NO. RS2002-1042 (MCCLENDON & SHULMAN) - This resolution approves changes to the customer contracts of the future district energy system, changes to Metro's contract with Constellation Energy Source for the construction of the new facility, and provisions for additional customer contracts. Ordinance No. BL2001-921 approved certain agreements related to the construction and operation of a new energy production facility and approved a form of customer contracts for the future facility. The ordinance provided that amendments to these agreements could be adopted by resolution of the Metropolitan Council. This resolution makes certain amendments as specified below:

1. Amends the form of the initial customer contract to provide that private customers may pay an annual fixed fee for system repair costs in lieu of paying a pro rata share for any repairs to pipes or tunnels as they are made. This enables the private customers to limit their liability for repair costs by allowing them to choose to pay a flat annual maintenance and repair fee. This is similar to a provision in the prior agreement with the State of Tennessee, which council previously approved.
2. Authorizes a contract form for new customers. The contract form is similar to the contract for existing customers, except that Metro may include provisions in the contract for new customer payment of line extension and connection costs, and the service charge for new customers will be ten percent less than they would pay for such heating and cooling service provided by traditional sources. However, this amount cannot be less than Metro's marginal cost of generating and delivering the steamed heat and chilled water.
3. Authorizes a contract form for small customers, which allows them to pay a monthly fee for services without the need for meter service.
4. Allows for up to a 120-day extension of the construction time, if needed.
5. Increases the amount of reimbursement from Metro to Constellation from \$1 million to \$3 million in the event the new facility is not built. This is not deemed to be an issue because, with the termination of the thermal facility, a new facility must be built to fulfill Metro's contractual obligations.
6. Authorizes Metro to accept an assignment from Nashville Thermal Transfer Corporation of their rights to receive revenues based on contracts with their customers and all obligations under those contracts. This is necessary both for the purpose of honoring contractual commitments and because of the recent refinancing of the thermal debt.
7. Amends the Constellation management agreement to provide more flexibility for change order projects to facilitate implementation of the new system. This work is not included in the fixed construction price and will include system improvements, metering and site preparation. The thermal storage project is eliminated from the change order projects, as it has been deemed to be not economically feasible. The cost for the change order projects will remain within the \$8 million limit for such projects as previously approved by council in Ordinance BL2001-921.

In summary, the changes to the customer contracts and the agreement with Constellation included in this resolution are necessary prior to commencing construction on the new energy distribution system facility, which is to begin this summer. These changes do not increase the approved project cost of \$66.7 million, nor do they increase the \$8 million of allowable change orders.

RESOLUTION NO. RS2002-1043 (SHULMAN) - This resolution approves a contract between the Metropolitan Government and Cheatham County for the temporary housing of juveniles in the Davidson County juvenile justice center. The Metropolitan Code of Laws provides that the juvenile court judge may execute contracts with other counties for detention of juveniles. Pursuant to the terms of this contract, the juvenile court will provide beds to Cheatham County juveniles awaiting trial or placement on a space available basis. Cheatham County will pay juvenile court \$125 per day for each bed provided. The term of this agreement is for two years beginning July 1, 2001 and ending June 30, 2003, with a possible extension of three additional one-year terms. Cheatham County will be required to maintain \$1 million in general liability insurance.

RESOLUTION NO. RS2002-1044 (SHULMAN) - This resolution approves an amendment to the lease between the state of Tennessee and the Metropolitan Government for space at the new medical examiners facility. The lease was approved by Ordinance No. O99-1765 and provided for a 20 year term commencing June 1, 2002. This amendment modifies the term of the lease by changing the commencement to July 15, 2001 and the expiration date to July 14, 2021, due to the early completion of the facility. This amendment also revises the payment of rent. The original lease provided that Metro would pay lease payments on the \$5 million building equal to 75% of the debt service on the state bonds issued to finance construction of the facility during the first five years of the lease, and 50% of the debt service during the remainder of the lease term. This amendment adds a provision that the first annual rental payment will be based on financing of \$5 million at 5% interest per annum. Thus, the first year's rental payment will be \$300,909.72, broken down into monthly payments of \$25,075.81. Beginning in the second year, the annual rental payment will be calculated pursuant to the terms of the original lease.

This lease amendment has been approved by the planning commission.

RESOLUTION NO. RS2002-1045 (SHULMAN) - This resolution approves an amendment to a grant, approved by Resolution No. RS2002-1013, from the Tennessee department of labor and workforce development to the Nashville career advancement center to establish programs to prepare dislocated workers for re-entry into the labor force. This amendment increases the amount of the grant from \$75,000 to \$85,000.

RESOLUTION NOS. RS2002-1046 & RS2002-1047 (SHULMAN) These resolutions approve grants from the Tennessee department of labor and workforce development to the Nashville career advancement center (NCAC) to establish programs to prepare adults, youth and dislocated workers for re-entry into the labor force and to offer training to those facing serious barriers to productive employment. The grants are for terms beginning April 1, 2002 and ending June 30, 2004, and each may be extended for two additional terms of one year each.

Resolution No. RS2002-1046 approves a grant in the amount of \$147,874.01.

Resolution No. RS2002-1047 approves a grant in the amount of \$1,330,866.05.

RESOLUTION NO. RS2002-1048 (SHULMAN) - This resolution approves a contract between the Metro health department and the state department of health to allow the Metro health department access to state birth records for the purpose of issuing birth certificates. The term of this contract is from July 1, 2002 through June 30, 2007. Pursuant to the terms of this contract, Metro will have access to the state birth record computer database to issue copies of birth certificates to citizens. Metro shall compensate the state department of health at the rate of 1/2 of the fees for copies of birth certificates issued from the database.

RESOLUTION NO. RS2002-1049 (SHULMAN) - This resolution approves a contract between the Metro board of health and United Way to assist the Ryan White community AIDS partnership (RWCAP) with its 2002 needs assessment process. The term of the contract is from March 31, 2002 through December 31, 2002. Pursuant to the terms of the contract, United Way will pay \$21,353 to the Metro board of health for assisting the RWCAP in an assessment program that involves analyzing surveys and assessing data.

RESOLUTION NO. RS2002-1050 (SHULMAN) - This resolution approves an amendment to the grant from the state department of health to the Metro board of health for various health services. The amendment increases the amount of the grant by \$51,300 for HIV-AIDS early intervention, thus causing the total amount of the grant to be \$7,838,941. The grant is for a budget period of July 1, 2001 through June 30, 2002.

RESOLUTION NO. RS2002-1051 (MCCLENDON, SHULMAN & OTHERS) - This resolution approves a contract between the state department of transportation and the Metropolitan department of public works for the resurfacing of Bell Road/Pleasant Hill/Stewarts Ferry Pike. The total estimated cost for this project is \$1,074,200, with Metro paying 25% of the cost (\$268,550) and the state paying the remaining 75% (\$805,650). Metro agrees to complete the work by July 31, 2004.

RESOLUTION NO. RS2002-1052 (MCCLENDON & HOLLOWAY) - This resolution accepts an easement from the U.S. Army to the Metro department of public works for construction and maintenance of drainage culverts and concrete headwalls on Smith Springs Road at J. Percy Priest Dam & Reservoir. Since this road is located on U.S. Army Corp of Engineers property, this easement is required before the improvements can be made.

RESOLUTION NO. RS2002-1053 (GENTRY & WALLACE) - This resolution appropriates \$35,000 from the contingency account of the GSD general fund to Project Return, Inc., to provide partial funding for its services. Project Return, Inc., is a non-profit organization that provides rehabilitation services to middle Tennessee's prison population, including providing employment referrals, public education regarding criminal justice issues, and support services for successful transitions back into the community. Project Return has requested this appropriation to help with operational support of the organization. State law enables the Metropolitan Government to appropriate funds for the financial aid of not-for-profit organizations that are tax exempt. Project Return, Inc., has

filed evidence of its tax-exempt status, a statement of the proposed use of the funds, and a copy of last year's annual audit with the Metropolitan clerk.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2002-1018 (SUMMERS) - This zoning text amendment deletes a provision in the parking area design standards: residential parking section of the zoning code that prohibits residential parking in required street setback areas within the urban zoning overlay district unless it is located on a driveway. Since driveways are not defined in the code, the provision is deemed to be unnecessary. The planning commission has approved this text change.

ORDINANCE NO. BL2002-1023 (ARRIOLA, SONTANY, & HAND) - This ordinance amends the Metro Code of Laws by creating a rebuttable presumption that the growth of grass or underbrush 12" or higher is a danger to the health, safety, or welfare of the citizens of Metro. The rebuttable presumption means that the burden of proof would shift to the property owner that has been cited to prove that grass more than a foot tall is not a health or safety hazard. This is to allow better enforcement of Metro's excessive vegetation control ordinance.

ORDINANCE NO. BL2002-1024 (SUMMERS) - This ordinance amends the Metropolitan code of laws to provide for council approval before any Metro home or facility for the care of children can be transferred to the director of public property administration. Section 2.24.250 of the code of laws sets out the procedure for the transfer and disposition of surplus property. Once a department director, board or commission determines that property in its possession is no longer needed, it is deemed to be surplus property and is transferred to the possession of the director of public property who has the authority to make the property available to other departments or agencies for their use. If no other department or agency needs the property, the director of public property, upon approval of the Metro Council, can sell the property.

The Metro Charter grants the power to the Metropolitan Government to operate facilities for the care of children and provides that the Metropolitan social services commission shall supervise the operation of the McKay Home and the Municipal Children's Home (now known as Richland Village). This proposed change in the code of laws would require council approval before any property used as a home or facility for the care of children, such as Richland Village, could be declared surplus property and transferred to the director of public property and, subsequently, transferred to another Metro department, board or agency.

ORDINANCE NO. BL2002-1030 (GREER & LORING) - This ordinance approves a lease between the Metro board of fair commissioners and Lamar Advertising Company of space for billboard advertising at six places on the state fairgrounds premises. The term of the lease is for five years beginning July 1, 2001 and ending June 30, 2006, with Lamar paying \$104.16 a month per structure. Lamar will furnish, erect and maintain the billboards. Lamar is required to maintain \$1 million in commercial and automobile insurance and \$25,000 in property damages insurance naming Metro as additional insured. This lease may be amended by resolution of the Metro Council receiving 21 affirmative votes.

This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2002-1039 (SHULMAN) - This ordinance authorizes the transfer of the caring for children's program from the Metropolitan social services commission to the finance department, and approves an agreement between the Davidson County community service agency and the Metropolitan Government for financing of the program. Ordinance No. O97-854 transferred the caring for children's program to the Metro social services commission from the Metro department of health effective July 1, 1999. This ordinance transfers the program again to the finance department with funding to be provided by the Davidson County community service agency (DCCSA). The DCCSA is a governmental entity created by state law that is funded through the state department of children's services, and Metro has provided administrative services to the DCCSA through Metro social services for other programs related to children's services. The DCCSA has entered into a grant agreement with the state department of children's services for funding of this program, which funding is to be transferred to the department of finance to administer the program pursuant to an agreement included as part of this ordinance.

The agreement provides funding for the department of finance to administer the services of the program including case management, reunification, emergency residential, and administrative services. Pursuant to the agreement, DCCSA shall provide up to \$5,308,35 in state pass through funds during an initial term from July 1, 2001 through June 30, 2002, which term may be extended for an additional year. Either party may terminate this agreement upon 90 days notice. Actual services provided under this program are provided by outside contractors.

This ordinance may be amended by resolution of the Metropolitan Council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-1040 (SHULMAN) - This ordinance approves a lease agreement between Neal and Oleta Shipper and the Nashville career advancement center (NCAC) for lease of property located at 813A North Cumberland Drive for use as office and classroom space. The term of the lease is from April 1, 2002 through March 31, 2007 and NCAC will pay \$2,062.50 a month. The lease payments will be paid from federal pass through funds and will result in no real cost to Metro. This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2002-1041 (MCCLENDON & SHULMAN) - This ordinance authorizes the Metropolitan Government to participate with C.K. Development to provide public sewer service to the Copperstone Subdivision located in Williamson County. This subdivision is tied into the Owl Creek trunk sewer project, which was built in anticipation of developer participation. C.K. Development has deposited \$74,000 for 37 home connections as a contribution toward construction of the sewer in lieu of having to provide the sewer service.

ORDINANCE NO. BL2002-1042 (MCCLENDON & SHULMAN) - This ordinance authorizes the department of water and sewerage services to apply for and receive a \$115,000 grant from the U.S. environmental protection agency for security planning for large drinking water utilities. Metro qualifies as a large drinking water utility because of the number of customers it serves. If awarded, grant funds will be used to hire a consultant to perform an assessment determining the vulnerability of the department's water facilities to an act of terrorism.

ORDINANCE NO. BL2002-1043 (LORING, MCCLENDON & SHULMAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation for use regarding the Briley Parkway widening north of McGavock Pike to Gallatin Road interchange 10" water main project. The estimated cost for the easement required is \$1,000.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1044 (WALLACE & SHULMAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation for the purpose of construction and operation of sanitary sewers in connection with the Fairfield Avenue sewer service project. The six easements to be acquired are on properties located at 79, 81, 83, 85, 87, and 89 Fairfield Avenue. The estimated cost for the easements is \$3,000.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1045 (SUMMERS, WHITMORE & OTHERS) - This ordinance approves an agreement between the Metro board of parks and recreation and the Tennessee department of transportation for work related to a segment of the Richland Creek greenway project adjacent to McCabe Park. This ordinance further accepts a donation in the amount of \$110,000 from Greenways for Nashville to be applied to Metro's share of the project costs and appropriates \$335,139 toward the project. The total cost of the project is expected to be \$1,675,683, of which Metro is responsible for twenty percent of the cost (\$335,139). The state department of transportation will assume the remaining eighty percent of the cost. Of Metro's \$335,139 portion, \$160,000 has been given in the form of private contributions. These contributions consist of the \$110,000 from Greenways for Nashville and \$50,000 from St. Thomas Hospital. Thus, Metro's real cost is \$175,139 to be paid out of capital bond funds. The Richland Creek greenway will be approximately a three-mile trail from the Nashville Tech campus to Harding Road. The trail will also encircle McCabe Golf Course.

ORDINANCE NO. BL2002-1046 (GILMORE, BLACK & OTHERS) - This ordinance approves an agreement between the Metro board of parks and recreation and the Tennessee department of transportation for work related to a segment of the Whites Creek greenway project from Richard T. Hartman Park to Clarksville Highway. This ordinance further accepts a donation in the amount of \$95,000 from Greenways for Nashville to be applied to Metro's share of the project costs, and appropriates \$164,800 toward the project. The total cost of the project is expected to be \$824,000, of which Metro is responsible for twenty percent of the cost (\$164,800). The state department of transportation will assume the remaining eighty percent of the cost. Thus, after accepting the \$95,000 private contribution, Metro's real cost is \$69,800 to be paid out of capital bond funds.

ORDINANCE NO. BL2002-1047 (BLACK) - This ordinance changes the name of Lincoln Street, between Old Buena Vista Pike and West Trinity Lane to "Day Street". This requested name change is to improve E-911 system efficiency. This ordinance has been approved by the planning commission and the emergency communication district (ECD) board.

ORDINANCE NO. BL2002-1048 (GENTRY) - This ordinance amends the Metropolitan Code of Laws relative to the sunset provision applicable to the hotel occupancy privilege tax. This ordinance is essentially identical to Ordinance No. BL2002-1049, which is also on second reading, and staff would recommend withdrawal of this bill by the sponsor.

ORDINANCE NO. BL2002-1049 (GENTRY, SHULMAN & OTHERS) - This ordinance amends the Metropolitan code of laws to remove a sunset provision relative to the hotel occupancy privilege tax. The hotel occupancy privilege tax is levied on occupants of hotel rooms in the Metropolitan area and is paid at the time of their stay. Substitute Ordinance SO99-1678, pursuant to state law, enabled Metro to increase the hotel occupancy privilege tax from 4% to 5%, provided that the additional one percent increase be used to only for the direct promotion of tourism. The state law enabling this increase contained a sunset provision that would lower the tax back to 4% on June 30, 2002. Recently, the state legislature has amended this provision by removing the sunset date, thus allowing the 5% rate to continue indefinitely as long as one percent is used for promoting tourism. This ordinance amends the Metro code to allow the 5% levy to remain, in keeping with state law.

ORDINANCE NO. BL2002-1050 (WALLACE & SHULMAN) - This ordinance authorizes the transfer of property located on the corner of 4th Avenue South and Demonbreun (the fire hall site) to MDHA for use as a future symphony hall site. This property was declared as surplus in 1998 and negotiations were entered into with Lincoln Properties for development of this site for residential purposes. However, Lincoln Properties was unable to obtain the required financing, so this property remains in the possession and ownership of the Metropolitan Government. This ordinance conveys the property to MDHA, who will ultimately convey the property to the entity responsible for developing a music hall for the benefit of the Nashville Symphony. Metro is essentially donating the property so that it can be developed for a music hall. Once MDHA conveys the property, the developer will have four years to commence construction of the music hall, or ownership of the property will revert back to Metro. Furthermore, once the music hall is complete, it must be used as a music hall for forty years or Metro will be compensated for the fair market value of the land, excluding the value of the music hall itself. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1051 (WHITMORE) - This ordinance abandons alley # 1204 between 40th Avenue North and alley # 1189, and also abandons alley # 1189. These two alleys run perpendicular to each other at lots located on the corner of Indiana Avenue and 40th Avenue North. The Metropolitan Government has no present or future need for these alleys and the abutting property owners desire that the alleys be abandoned.

(continued on next page)

ORDINANCE NO. BL2002-1051 (continued)

Consent of abutting property owners is on file in the planning commission office.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2002-1052 (MAJORS & DILLARD) - This ordinance amends the Metropolitan Code of Laws to provide further regulations for the parking and storage of motor vehicles. The code currently prohibits unregistered, inoperable vehicles, and vehicles that are in a state of major disassembly from being openly stored on any premises within the Metropolitan government. This ordinance provides some further clarification and restrictions as follows:

1. Prohibits inoperable or unregistered vehicles from being parked or stored on property unless they are inside an enclosed structure.
2. Prohibits the open storage of vehicles in a major state of disrepair or "overhauling" of vehicles on private property. This prohibition would not apply to a business whose primary enterprise is auto repair.
3. Declares the open parking and storage of unregistered, inoperable, and vehicles in a major state of disrepair to be a nuisance.
4. Requires that all vehicles located on private property be parked either in a garage or a paved or graveled driveway.
5. Limits the size of driveways for private residential property to not exceed 25% of the total lot area. In the event of a conflicting zoning provision, the zoning provision is to prevail over this amendment to the code.

ORDINANCE NO. BL2002-1053 (MCCLENDON, SHULMAN & SONTANY) - This ordinance authorizes the director of public property administration to acquire property by negotiation or condemnation for the Smith Springs Road and Bell Road intersection improvements. The funds to defray the costs of this project are available from 2001 GSD multipurpose improvement bonds.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1054 (MCCLENDON) - This ordinance abandons and relocates the 20" sewer line and easement located on property in the area of 8th Avenue North and 9th Avenue North at Jackson Street. MDHA is the owner of the property encumbered by the sewer line and easement. The department of water and sewerage services is no longer using this sewer line and easement and it serves no other properties.

Staff would suggest that the boilerplate language used in Section 1 of these type ordinances be amended to prevent confusion as to the parties authorized to execute the appropriate documents related to sewer line and easement abandonments. The language currently provides that the "below signed" are authorized to execute such documents, which would include the sponsors of the ordinance. Staff would recommend amending the language to provide that the director of public property and/or the mayor are authorized to execute the appropriate documents.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1055 (PONDER & MCCLENDON) - This ordinance abandons and relocates the sewer line and easement at the Eckerd/Hermitage located at the intersection of Old Hickory Boulevard, Chandler Road and Andrew Jackson Parkway.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1056 (MCCLENDON & SHULMAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation in connection with the Rural Hill Road widening, 8" water main and 8" sanitary sewer replacement projects. The easements to be acquired are on property located at 2651 Murfreesboro Pike. The estimated cost for the easements is \$500.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1057 (MCCLENDON, SHULMAN & BEEHAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation for the purpose of construction and

operation of sanitary and storm sewers in connection with the Forrest Avenue 6" sewer extension. The easements to be acquired are on property located at 1715 and 1717 Forrest Avenue. The estimated cost for the easements is \$1,000.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1058 (WALLACE) - This ordinance closes alley # 164 between Lafayette Street and Charles E. Davis Boulevard. The abutting property owners desire this closure and the Metropolitan Government has no future need for the portion of the alley to be closed. Metro will retain utility easements.

There is no record of consent of the affected property owners on file with the Metropolitan clerk.

This ordinance has been approved by the planning commission but disapproved by the traffic and parking commission.

ORDINANCE NO. BL2002-1059 (MCCLENDON & SHULMAN) - This ordinance authorizes the Metropolitan Government to participate with John Ring (Tennessee Contractors, Inc.) to provide public sewer service to Fountainbrooke Subdivision located in northeast Williamson County. This subdivision is tied into the Southern Woods trunk sewer project, which was built in anticipation of developer participation. Mr. Ring has deposited \$56,000 as a contribution toward construction of the sewer in lieu of having to provide the sewer service.

ORDINANCE NO. BL2002-1060 (TUCKER & SHULMAN) - This ordinance amends the Metropolitan Code of Laws to ensure that Metro's pension plan is in compliance with federal tax laws. The changes in federal tax law requiring this code amendment date back to 1986. The IRS requires that the language included in this ordinance be part of the code of laws so that Metro's pension plan can qualify under the federal tax laws to maintain certain tax benefits. The deadline for governments to be in compliance is June 30, 2002. Most of the federally required language is geared toward private sector employees in terms of the contribution and benefit limits imposed. The purpose is to prevent highly paid executives from contributing large amounts of income into tax deferred pension plans in an effort to lower their income tax liability. The limits imposed would affect employees earning \$200,000 or more a year. However, since Metro does not have any employees who earn \$200,000, the limits would not affect any Metro pension benefits.

The benefit board employed actuaries to study this required change, and they have concurred that there will be no significant impact on the required annual funding and cost of benefits.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2002-983 (WALLACE) - This ordinance amends the Metropolitan Code of Laws to require that a permit be issued by the Metropolitan Government before any encroachment can be constructed or installed on any Metro street, sidewalk, alley, or other public way. Persons or entities seeking to install an encroachment would be required to pay a \$100.00 permit fee and provide liability insurance holding Metro harmless from all claims or damages arising out of the construction, operation, or maintenance of the encroachment. The manner of construction, installation, operation, and maintenance of a proposed encroachment would be subject to the direction and approval of the director of public works.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-984 (WALLACE & BRILEY) - This ordinance amends the Metropolitan code of laws to allow on-sale beer permits to be issued to performing arts facilities. Currently, retailer on-sale beer permits are limited to eating establishments where meals or lunches are regularly served.

This ordinance also defines a "performing arts facility" as being a facility owned by the government and administered by a non-profit corporation, which is located within the core commercial district (CC) or core commercial frame district (CF), where "meetings, festivals, live theatrical, musical, and other performances and events are regularly presented." This would allow for facilities such as The Tennessee Performing Arts Center (TPAC) and the War Memorial Building to obtain on-sale beer permits.

ORDINANCE NO. BL2002-1009 (SUMMERS) - This amendment to the zoning text adds definitions of "front façade" and "leading edge" to allow for consistent understanding of those terms when they are used in a zoning ordinance. "Front façade" is essentially defined as the front vertical face of a building having a primary entrance and is composed of the exterior walls, doors, windows, roof edges, balconies, and porches. "Leading edge" is the edge of the front façade which extends farthest forward on the front portion of a lot.

The planning commission has approved this text change.

ORDINANCE NO. BL2002-1010 (SUMMERS) - This text change amends the table for single and two-family dwellings to establish bulk requirements for certain zoning districts. This amendment adds zoning districts that are not included in the current table. First, this amendment reduces the side setback for the RM9, RM15, RM20, and OR20 districts within the urban zoning overlay from five feet to three feet. The three feet side setback is already used for the RS7.5, R6, and RS5 districts.

(continued on next page)

ORDINANCE NO. BL2002-1010 (continued)

Second, this amendment establishes bulk requirements for the RM60, ON, I, and all mixed-use districts. The added bulk requirements would require single and two-family dwellings in these zoning districts to have a 3,750 square foot lot area, 60% maximum building coverage area, 20-foot minimum rear setback, 3-foot minimum side setback, and a maximum height of three stories. These bulk requirements are the same as those for the RS3.75, OR40, and ORI districts, which are also of moderate to high intensity.

Third, the amendment changes the bulk requirements for RM20 and OR20 to be the same as the districts listed above.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1011 (SUMMERS) - This amendment to the zoning text amends the district land use tables by changing single and two-family dwellings in the MUN district and single-family dwellings in the ON district from permitted with conditions to permitted uses, thus allowing them as a

matter of right. This amendment also deletes the conditions for single-family dwellings in the ON district and two-family dwellings in the MUN district in the residential uses: single-family and two-family dwellings section of the zoning ordinance. The amendments are needed in connection with the added bulk requirements in Ordinance No. BL2002-1010, also on second reading, in order to establish more reasonable bulk requirements for single and two-family dwellings in the ON and MUN districts.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1012 (SUMMERS) - This text amendment provides that the front façade of a structure on a corner lot shall be located to the shorter lot line. This text amendment is in keeping with the predominant development practice, which is to have buildings oriented toward the streets with the shorter lot lines. This amendment also gives the zoning administrator the authority to determine whether the longer lot line may be the more appropriate location for the front façade in some situations.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1013 (SUMMERS) - This amendment to the zoning text adds the I, MUN, MUL, MUG, MUI, ON, and ORI districts to the street setbacks for single and two-family structures table. These districts will have a minimum street setback of 20 feet from minor streets and 40 feet from all other streets. This amendment goes along with the text change in Ordinance No. BL2002-1010, which establishes bulk requirements for several single and two-family dwelling zoning districts.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1014 (SUMMERS) - This zoning text amendment makes various changes related to the streetscape within the urban zoning overlay district. The changes are as follows:

1. Adds the office, industrial, RM20, RM40, and RM60 districts to the list of zoning districts to which the neighboring lots, new investment, corner lots, and petitions for mandatory reductions of street setbacks zoning provisions apply. Since these districts are deemed to be located in urban settings, they should be included.
2. Allows buildings in the above-mentioned zoning districts to be built as close as the edge of the right-of-way. The current provision allows a building to be constructed as close to the street as the façade of any principal building on an immediately abutting lot. The intent of this change is to give a better three-dimensional form to the urban streetscape.
3. Deletes the current figure illustrating the corner lot provision.
4. States that the leading edge of the front façade of a principal building should be used for comparison in determining the context for the maximum street setback.
5. Provides that the front façade must extend across 25% of the lot width or 25 feet, whichever is greater, for lots at least 60 feet wide. For lots less than 60 feet wide, the building shall extend the full width of the lot, except for a driveway to access required parking. The current provision makes no distinction in lot width and provides that the front façade must extend across 75% of the lot.

6. Adds covered patios to the list of permitted projections and recesses of the front façade, which already includes columns, entrances, and similar features.
7. Clarifies which property owners can petition the planning commission and council to adopt an ordinance for mandatory reductions of street setbacks.
8. Clarifies that the planning department may petition the council to adopt an ordinance and any future amendments requiring a specific setback where it is recommended by an adopted redevelopment plan.

ORDINANCE NO. BL2002-1015 (SUMMERS) - This amendment to the zoning text amends the district bulk provisions to establish bulk standards for accessory buildings. The zoning ordinance currently only regulates the height of accessory buildings. This amendment establishes rear setbacks for all accessory buildings located behind a principal structure. Further, the amendment imposes a size limitation of 600 square feet or 50 percent of the building coverage of the principal single or two-family dwelling, whichever is greater, for accessory buildings on lots less than 40,000 square feet in size. In no case can an accessory building exceed 2,500 square feet on lots with single and two-family dwellings.

The planning commission has approved this text change.

ORDINANCE NO. BL2002-1016 (SUMMERS) - This zoning text change amends the parking requirements of the zoning ordinance related to the urban zoning overlay district. The amendment provides that the first 2,000 square feet of general retail and convenient retail floor area is exempt from providing parking. The planning commission has approved this text change.

ORDINANCE NO. BL2002-1017 (SUMMERS) - This amendment to the zoning text allows for parking on one side of the street on streets less than 26 feet wide within the urban zoning overlay district, unless otherwise posted. This on-street parking may be used to meet minimum parking requirements. This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1019 (SUMMERS) - This amendment to the zoning text amends the off-site parking: common ownership section to provide for a renewal option for leased off-site parking. The amendment adds language referring to a guaranteed lease renewal option and provides that the lease agreement must be recorded with the register of deeds and copies of the lease and lease renewal agreements must be provided to the zoning administrator. This is to ensure that leased off-site parking coincides with the tenant's lease terms. This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1020 (SUMMERS) - This amendment to the zoning text adds boundary lines along utility lines of 50 feet wide or greater to the list of countywide exemptions from the landscape buffer yard. Further, the amendment adds boundary lines along public streets to the list of landscape buffer yard exemptions for the urban zoning overlay district. The planning commission has approved this text change.

ORDINANCE NO. BL2002-1029 (WHITMORE, GILMORE & SHULMAN) - This ordinance accepts a grant in the amount of \$35,000 from the American Planning Association (APA), in connection with the City Parks Forum, for a master plan for Bell's Bend Park. This ordinance also provides for \$15,000 in Metro matching money for the master plan. The board of parks and recreation will contract with a consultant to help develop the master plan, which is to be completed in November of 2002. The master plan is to address issues related to development of the 808-acre Bell's Bend property, which has been designated as a future park site.

The contracted consultant will work in connection with the board of parks and recreation, the mayor, the planning commission, the Metro greenways commission, the non-profit Greenways for Nashville, and the Bell's Bend community group. In addition to the \$50,000 involved in this ordinance, Mr. Ray Bell, a founding member of the Bell's Bend community group, will personally contribute \$50,000 towards implementation of the project.

ORDINANCE NO. BL2002-1032 (TURNER & MCCLENDON) - This ordinance creates an Otter Creek Road pedestrian safe zone by limiting motor vehicle traffic between 7:00 a.m. and dark on the portion of Otter Creek Road from its western boundary to the Oak Hill city limits. Traffic will be restricted to park personnel, residents of this portion of Otter Creek Road, handicapped persons, and emergency vehicles. This ordinance further authorizes the department of public works to post signs designating these limitations. This ordinance has been disapproved by the traffic and parking commission.